

06C-479

OGC Has Reviewed

Assistant Chief, Employees Division

7 November 1949

Legal Staff

Authority and/or Redelegations of Authority:

1. In answer to your Memorandum of 18 October 1949, we have reviewed the authority and delegations under which you approve personnel and related actions. The only omission we have noted is our recently-acquired act: P. L. 110, 81st Congress, effective 20 June 1949.

2. We agree that there is certainly some confusion in the present authority, and although any conflict may be resolved for present administrative purposes, we suggest that the question of over-all co-ordination be submitted to Management for clarification.

3. On Transfers, the power of authority resides in either Budget or the Chief of Finance under the delegations of 1 January 1949 and

25X1A [redacted] In view of the wording of Administrative Instruction [redacted], we do not believe that a conflict necessarily exists. Although approval of all personnel actions for P-5 and below is delegated to Personnel, it is limited to those actions in "respect to procurement, processing, position classification and termination of personnel". It would therefore appear to be perfectly proper for the transfer letter to be signed by Personnel, and final approval to be given by Budget or Fiscal.

4. On the question of Allowances, the general delegations under the letter of 1 January 1949, give the authorization or approval of payment of overseas allowances to Personnel, whereas

25X1A [redacted] gives a similar power to Budget. Since both delegations were made by the DCI, the contention might be made that the later delegation prevails insofar as it is inconsistent with the earlier. The later provision of the 25X1A [redacted] would thus take covert activities outside the scope of the general delegation of 1 January 1949 which would be restricted to overt activities. We believe the better solution is to consider that an overlap of authority exists here, and that, insofar as unvouchered funds are concerned, the authority may be exercised by either Personnel or Budget.

25X1A 5. You point out, in regard to Home Leave: that [redacted] 25X1A [redacted] gives Personnel the power to approve Home Leave and travel expenses, that [redacted] 25X1A the Regulations delegates the authorization of Home Leave expenses to Budget, and that the general delegation of authority dated 1 January 1949 says nothing about Home Leave but provides for all other travel

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expenses. As a matter of practical application, we believe that [REDACTED] is related to the basic personnel action, whereas [REDACTED] and the authority under the general delegation of 1 January 1949 are limited to the corollary question of travel resulting from the personnel action. To this extent, they do not necessarily appear to be inconsistent.

6. We hope the above comments will indicate the appropriate authority and at least rationalize current practices. However, we are routing this via Management for their comment on the suggestion in paragraph 2.

25X1A
[REDACTED]

CWP:mfp

cc: Subject ✓
Chrono
extra